



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS TX 75202-2733

VIA FOIAOnline

DEC 04 2018

Mr. Bryan Wade Clevenger
EnSafe
1011 Highway 6 South, Suite 325
Houston, TX 77077

RE: Freedom of Information Act (FOIA) Request: EPA-R6-2019-001155

Dear Mr. Clevenger:

This letter concerns the above-referenced FOIA request, received by the U.S. Environmental Protection Agency (EPA or Agency) on November 07, 2018, in which you requested,

“...all records regarding wastes, violations, enforcements, and penalties for TUBAL-CAIN MARINE SERVICES - TXR000079853. Please include any EPA records for the facility (address 8737 Old Yacht Club Road) from 2007 to present. We are specifically looking for records associated with the civil enforcement case described on the attached document: “Case Summary -- On January 13, 2017, EPA Region 6 issued a Consent Agreement and Final Order (CAFO) to Tubal-Cain Marine Services to resolve violations of the Resource Conservation and Recovery Act. The violations include failure to conduct a hazardous waste determination, failure to obtain a permit for permit required activities and failure to meet requirements of a universal waste generator. Under the CAFO, Tubal-Cain will be required to pay a penalty of \$63,000 and take actions to ensure that the violations do not recur. Tubal-Cain was inspected as part of a ?barge cleaner initiative? series of inspections in 2014...”

The EPA Region 6 has concluded its search and uploaded records responsive to your request to the FOIAonline system. You can access your records by going to FOIAonline at <https://foiaonline.gov/foiaonline/action/public/home> and searching by your FOIA request number. In addition, the inspection report and enforcement action are posted in the e-repository on the following website which you may wish to visit in order to obtain copies:

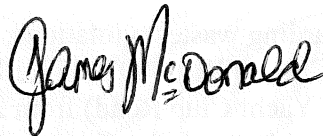
<https://www.epa.gov/tx/compliance-assurance-and-enforcement-documents-texas> .

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., Room 5315, Washington, DC 20460. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit.

Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

This is a final response to your request, and you may receive a final billing (if appropriate) from the Regional FOIA Office. If you have any questions concerning this response, you may contact the Regional FOIA Officer, Nancy Ho, who can be reached at r6foia@epa.gov.

Sincerely,



James McDonald

Assistant Regional Administrator
for Management